



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: February 23, 2005

REPORT NO. HO-05-029

ATTENTION: Hearing Officer

SUBJECT: LONG BRANCH AVENUE MAP WAIVER  
PROJECT NUMBER: 42614

LOCATION: 5130 Long Branch Avenue

APPLICANT: Lindsay Erickson, Archstone Management

### SUMMARY

Requested Action - Should the Hearing Officer approve Coastal Development Permit (CDP) 124198 and Map Waiver 124197 to waive the requirements for a Tentative Map to convert four existing residential units to condominiums and waive the requirement to underground existing overhead utilities?

#### Staff Recommendation –

1. APPROVE Coastal Development Permit No. 124198 and Map Waiver 124197.
2. APPROVE waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation – The Ocean Beach Planning Board voted 7-1-0 to recommend denial of the proposed project on February 2, 2005, for inadequate parking on site (Attachment 8).

Environmental Review – The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(k) of the State CEQA Guidelines.

### BACKGROUND

The project site consists of four for-rent residential units in one two-story building. The project is located at 5130 Long Branch Avenue, on a 0.079-acre site, in the RM-2-4 Zone (Residential-Multiple Unit), Coastal Overlay Zone (non-appealable area), Coastal Height Limit Overlay Zone, Beach Parking Impact Overlay Zone, Airport Environs Overlay Zone, Airport Approach Overlay Zone, and the 100 Year Flood Plain Overlay Zone within the Ocean Beach Precise Plan and

Local Coastal Program (Attachment 1). The site is designated within the Ocean Beach Community Plan for multi-family residential land use (Attachment 2). The 2,904-square-foot structure was originally built in 1972, and is surrounded residential uses on all sides.

The project application was deemed complete on July 22, 2004, after the adoption of the March 15, 2004, Amendments of Chapter 14, Article 2, Division 13, Sections 142.1303 and 142.1306 of the San Diego Municipal Code, all relating to Inclusionary Affordable Housing Regulations. Therefore, the proposed project is subject to the amended regulations. The project is also subject to the condo conversion ordinance, and the City's 'Coastal Overlay Zone Affordable Housing Replacement' regulations.

## DISCUSSION

The site is a flat 3,450-square-foot, rectangular lot which is currently zoned RM-2-4, a multiple unit residential zone permitting one unit per 1,750-square-feet of lot area. The zone was applied in January 2000. Previous zoning was R-4, which was established on the site in April 1930 and allowed four residential units. The Ocean Beach Precise Plan (adopted July 3, 1975 by the City Council and updated September 20, 1983, May 14, 1986 and February 15, 1991) established residential dwelling unit guidelines for 25 dwelling units/acre (du/ac). The four unit project was constructed in the 1970s on 0.079-acre site prior to the establishment of the Precise Plan and is therefore previously conforming at 50.6 du/ac.

In 1972, when the permits were processed, one parking space was required per unit. Under today's criteria, 7 spaces would be required for the project; however, the project has previously conforming rights for development and density to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing four parking spaces are required to remain in accordance with LDC Section No. 142.0510.

This project is a request to waive the requirement of the Tentative Map for the subdivision of a 0.079-acre site into one lot to convert four existing residential rental units to condominium units which will allow the sale of each unit. Additionally, the project requests a waiver from the requirement to underground the existing overhead utilities adjacent to the project site. This type of development is consistent with the General Plan and the Ocean Beach Precise Plan, which designate the area for multi-family residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

No new construction or grading will take place under Coastal Development Permit No. 124198 and Map Waiver No. 124197, nor are there any known Building or Zoning Code violations of record against this property. Future expansion or redevelopment of the project site would be subject to review under these regulations as outlined in Chapter 13, Article 2, Divisions 2, 3, 4, 5 and 8 of the Municipal Code.

### Affordable Housing:

The project is subject to the Inclusionary Housing regulations and the condo conversion ordinance. To meet the requirements of the inclusionary ordinance, the applicant will pay an in-lieu fee prior to receiving a certificate of compliance. The project application was Deemed Complete on July 22, 2004; therefore the applicable fee for a project 10 units or less is \$0.875/square-foot. Prior to the recordation of the certificate of compliance, the subdivider shall pay an Inclusionary Affordable Housing In-Lieu Fee of \$2,541 [calculated as 2,904-square-feet of unit area x \$0.875/square-foot] pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code at 142.1310, Table 142-13D; and DSD Information Bulletin 532). The fee is considered under the current fee schedule and is subject to change and the required amount will depend on the fee schedule in place at the time of paying the required fee.

In order to comply with the relocation requirements of the Condominium Conversion ordinance, a tenant income survey is undergoing by the Housing Commission.

The project is also subject to the Coastal Overlay Zone Affordable Housing Replacement regulations per Section 143.0820(c) of the Land Development Code, exempt the conversion of residential structures containing fewer than 3 dwelling units, however, this project contains 4 residential units within one building. Housing Commission conducted an income survey of the tenants who reside at the property, and it has been determined that one 1-bedroom unit occupied by low-income tenants.

Based on the outcome of the survey and pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860), applicant is obligated to either provide one 1-bedroom replacement unit at rents affordable to low-income households or may pay an in-lieu fee to the Housing Commission.

Under the current in-lieu fee schedule; one 1-bedroom low-income unit @ \$29,700 for a total of \$29,700, which is subject to change and the required amount will depend on the fee schedule in place at the time a Coastal Compliance Agreement with the Commission is executed.

### Community Planning Group Recommendation

The Ocean Beach Community Planning Board recommended denial of the proposed project based on concerns regarding a lack of parking on site & in the community; lack of a common area or yard for the residential units; and that the residential units have features/layout of an apartment unit, which may not provide quality home-ownership units for condominium conversion. This Coastal Development Permit No. 124198 and Map Waiver No. 124197 are only for the condominium conversion; no new construction will take place with this action. As noted previously, the project has previously conforming rights for development to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. Therefore, no additional parking, common areas or revisions to the internal layouts are required. The permit requires that the four garages remain on the site and be available for parking.

### Undergrounding Waiver Request

The project currently contains overhead utility lines. The applicant has requested a waiver of undergrounding existing overhead public utilities per San Diego Municipal Code Section 144.0240 and Council Policy 600-25. The waiver is only for existing overhead utilities. Any future utilities would be required to be undergrounded. Staff has evaluated the request and has determined it would represent an isolated undergrounding and the request meets the criteria in Council Policy 600-25. The City's Undergrounding Master Plan for Fiscal Year 2005 designates the site within Block 2R and a date for the undergrounding has not been determined by City Council (Attachment 5).

### Noticing:

California State Law and the City's Municipal Code require that all tenants living within a proposed condominium conversion project, and all persons applying for a rental unit within such a project, must receive adequate notice (see California Government Code Section 66427.1 and San Diego Municipal Code Sections 125.0431 and 125.0640).

The four units are currently occupied; all tenants had been adequately noticed.

Government Code 66452.3, requires that a copy of the staff report be served to each tenant, on each lease 72-hours (3 calendar days) prior to the Hearing Officer hearing. This requirement will be fulfilled on or before February 18, 2005.

### CONCLUSION

Staff has reviewed the request for a Coastal Development Permit and a Map Waiver to waive the requirements for a Tentative Map for the subdivision of land for the conversion of four residential units into a condominium project, including the request to waive the requirement to underground existing overhead utilities. Staff has determined the project is in conformance with the applicable sections of the San Diego Municipal Code regulating Map Waivers and Council Policy 600-25 regulating undergrounding of existing overhead utilities. The development as conditioned, meets all applicable regulations set forth in the RM-2-4 Zone, the Ocean Beach Precise Plan and the required findings can be supported (Attachment 6). Therefore, staff recommends approval of Coastal Development Permit No. 124198 and Map Waiver No. 124197, including the Waiver from Undergrounding existing utilities, with the attached conditions.

### ALTERNATIVE

1. Approve Map Waiver No. 124197 and Coastal Development Permit No. 124198, with modifications.
2. Deny Map Waiver No. 124197 and Coastal Development Permit No. 124198, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

---

Laila Iskandar, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. City's Undergrounding Master Plan for Fiscal Year 2004, Block 2P
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement

Job Order Number 42-3045